

REMARKS

In paragraph 2 of the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. §102(b) as being anticipated by Harris, United States Patent No. 3,811,133 (hereinafter "Harris").

Reconsideration is requested.

Claim 1 has been amended to recite that the breast mold claimed in the present application is not intended for prosthetic use, to be implanted or as a template for device to be implanted. The breast mold of the present invention is to be used to compare the size and shape of the patient's breast post-surgery (and after all swelling and non-permanent post-surgical deformation have been alleviated) with the size and shape agreed upon by the patient and medical professional pre-surgery.

During elective surgical procedures a successful operation does not depend solely on the medical professional's technical knowledge and skill, but also on the client's desired breast shape and size. In non-elective reconstructive surgery the medical professional has professional autonomy, however, in elective cosmetic plastic surgery the medical professional is hired to perform a definite task in order to satisfy the patient's desires and needs. The understanding between the medical professional and the client must be clear and detailed so that the expected outcome is equal or almost equal to what had been agreed upon during the client's pre-surgery visits. The lack of a clear definition of what had been agreed upon has caused much trouble to both patients and medical professionals. Sometimes after a breast prosthesis implantation is completed the patient is stunned with the bosom size, and disagrees with what had previously been

agreed upon with the medical professional. These situations of constraint and discomfort in a medical professional-patient relationship may be avoided by using "breast molds" according to the present application.

The breast mold of the present invention is constructed of transparent rigid plastic material, thereby allowing a thorough comparison with the patients post surgery breast size and shape and the pre-surgery agreed upon size and shape.

The breast mold of the present invention will be larger than any implant or template for an implant because the breast mold of the present invention will be the size and shape of the post-surgery breast, which would include the pre-existing tissue mass. Any implant or template for an implant would be smaller than the post-surgery breast because they would either be inserted into the breast or be the size and shape of the device inserted into the breast. Additionally, the present invention is not a prosthesis to be worn thereby simulating the appearance and feel of an actual breast. In contrast, the present breast mold is transparent and constructed of rigid plastic and therefore would never have the look and feel of an actual breast.

The device disclosed in Harris is a prosthesis to be worn and colored to achieve the appearance, as well as the feel, of an actual breast, which has been removed due to mastectomy or other reasons (see Harris at col. 1, line 31 to col. 2, line 16). Harris does not anticipate the present invention because Harris specifically recites that it is a prosthetic which is made to look and feel like an actual breast.

Harris does not disclose a non-prosthetic device used to settle disputes between medical professionals and patients in a post surgical setting.

New claims 2 and 3 have been added to further clarify the subject matter claimed by the present application. No new matter has been added.

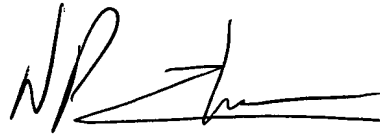
Antecedent support for all amendments to the claims can be found in the application as previously filed. Specifically, the intended use of the breast mold is disclosed on page 2, lines 1-4.

It is therefore requested that the examiner withdraw the §102 rejection of claim 1.

Based upon the above amendments and remarks, applicant respectfully submits that all of Claims 1-3 are now allowable over the prior art and that the present application is in proper form for allowance.

An early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'NP Chiara', with a horizontal line extending from the end of the signature.

Nicholas P. Chiara
Registration No.: 52,737

MAILING ADDRESS

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036
(212) 302-8989